

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LIVING WORD MINISTRIES
INTERNATIONAL
Plaintiff

V.

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY

Defendant

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Case No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant WESTCHESTER SURPLUS LINES INSURANCE COMPANY (“Defendant” or “Westchester”) files this Notice of Removal, and would respectfully show the Court the following:

Introduction

1. On December 27, 2019 the Plaintiff, LIVING WORD MINISTRIES INTERNATIONAL (“Plaintiff”), filed a lawsuit against WESTCHESTER SURPLUS LINES INSURANCE COMPANY in Cause No. 201990195 *LIVING WORD MINISTRIES INTERNATIONAL V. WESTCHESTER SURPLUS LINES INSURANCE COMPANY*; In the 125th Judicial District Court of Harris County, Texas. A copy of the Original Petition is attached as Exhibit 1. Service of process was made upon Westchester on January 29th, 2019.

2. Westchester timely files this Notice of Removal within the 30-day deadline required by 28 U.S.C. §1446(b).

Bases for Removal

3. Removal is proper based on diversity of citizenship. 28 U.S.C. 1332(a). In particular:

- a. Plaintiff is a domestic Texas ~~is a~~ business situated in Harris County, Texas.
- b. Defendant Westchester is an insurance company incorporated in the State of Georgia, with its principal place of business in the State of Pennsylvania.

4. Plaintiff alleges in its Original Petition that it seeks monetary relief over \$100,000 but not more than \$200,000. Accordingly, the amount in controversy is in excess of the sum of \$75,000. All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441(b).

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Harris County, Texas, the place where the removed action has been pending.

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Clerk of the 165th Judicial District Court of Harris County, Texas and all parties.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a). Those filings consist of Exhibit 1 as described above, and the following additional filings, as required by Local Rule 81¹:

- Exhibit 2: Defendant's Original Answer;
- Exhibit 3: The docket sheet;
- Exhibit 4: An index of matters being filed; and
- Exhibit 5: List of all counsel of record and parties represented.

¹ Plaintiff has not yet returned the citation to the state court.

Prayer

Defendant, WESTCHESTER SURPLUS LINES INSURANCE COMPANY respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it is justly entitled.

Respectfully submitted:

By: /s/ Stephen Pate

Stephen Pate

State Bar No. 15566500

spate@cozen.com

COZEN O'CONNOR

LyondellBasell Tower

1221 McKinney, Suite 2900

Houston, TX 77010

Telephone: (832) 214-3957

Facsimile: (832) 706-3423

**ATTORNEY FOR WESTCHESTER SURPLUS
LINES INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This certifies that, on February 4, 2020, 2019, a true copy of the foregoing was served on the following counsel of record pursuant to the Federal Rules of Civil Procedure:

Maria Gerguis

TBA No. 2409 0355

mgerguis@dalyblack.com

Richard D. Daly

TBA No. 00796429

rdaly@dalyblack.com

ecfs@dalyblack.com

2211 Norfolk St. 77098

713-655-1405--Telephone

713-655-1587--Fax

/s/ Stephen Pate

Stephen Pate